

TOWN OF STOW PLANNING BOARD

Minutes of the November 15, 2011 Planning Board Meeting.

Present: Planning Board Members: Steve Quinn, Ernest Dodd and Lori Clark, Lenny Golder
Planning Coordinator: Karen Kelleher
Administrative Assistant: Kristen Domurad
Absent: Planning Board Members: Kathleen Willis

Called to order at 7PM.

REVIEW OF CORRESPONDENCE AND MINUTES

Minutes

Ernie Dodd moved to approve the minutes of the November 8, 2011 Planning Board meeting as amended. The motion was seconded by Steve Quinn and carried a vote of the four members present (Ernie Dodd, Steve Quinn, Lori Clark and Lenny Golder).

Correspondence

No correspondence was reviewed.

PUBLIC INPUT

No public input.

PLANNING BOARD MEMBERS' UPDATES

Elementary School Building Committee (ESBC)

Steve Quinn reported that the ESBC would be giving a tour of the school building site this Saturday.

Pedestrian Walkway Planning Sub-Committee (PWP)

Lori Clark stated that the PWP finished prioritizing all streets in Town and then took the top segments of those streets and gathered information relating to; volume, connectivity and safety. The volume was scored by looking at number residents per street and school bus rider-ship per street, as well as vehicular volume based on street classification. Connectivity was scored by number of key destinations or connecting major areas such as Rt. 117, safety was scored by researching accident information.

Lori stated that their next step is taking input from all residents, with specific interest with those who live on the top 8-9 streets, along with researching potential easements and other obstacles such as wetlands or trees.

Steve Quinn noted that several people have told him that they are very happy with the sidewalks.

Karen and Ernie reported that they did not meet with Habitech this week. Bruce Wheeler was unable to attend.

COORDINATOR'S REPORT

Karen Kelleher updated the Board of the on-going activities in the Planning Department.

AT&T Modification Request

Karen reported that she spoke with Town Counsel, Jon Witten, this afternoon who informed her that he got in touch with AT&T's attorney, Susan Roberts of Anderson and Kreiger, LLP. Jon stated that Susan was going to speak with her client and get back to him about discussions they had earlier today, Jon had not heard back from her. Jon recommended Susan not attend the Planning Board meeting as he advised the Board not to discuss the matter until he had heard AT&T's response. Jon indicated that Susan gave him the impression that she may still attend.

Comprehensive Permit Policy Committee

Karen reported that she sent a note to Laura Spear, Planning Board's liaison for the Board of Selectmen, voicing the concerns discussed at the Planning Board's last meeting, the Comprehensive Permit Policy Committee had only met twice since its establishment. She also noted Bill Byron's concerns that the Zoning Board of Appeals did not want to appoint anyone to the committee. Laura said she would bring this up at the Board of Selectmen's next meeting.

Zoning Compliance Meeting with Board of Selectmen

Karen stated that she relayed Lori's message to Laura Spear, that Jim Salvie had indicated to Lori that he wanted to meet with the Planning Board to discuss Zoning Enforcement alignment. Laura spoke with Jim whom informed her that he was referring to meeting with Lori individually, but if there were unresolved issues than he feels there should be an informal meeting with the chairs of the Planning Board and Board of Selectmen chairs and the Building Commissioner.

Steve Quinn suggested there be general, quarterly joint board meetings so that boards are aware of each other's activities.

It was suggested that this could be with a meeting of the chairs of each board.

Lenny stated that he thought it to be a good idea for only the chairs to meet, but if the meeting was directed to a specific topic that a full Board may not be aligned on, such as zoning enforcement, that the entire Boards should meet.

RidgeWood at Stow

Karen reported on the meeting with Harry Blackey and Bill Roop. Ernie Dodd was also present. Karen relayed the Board's overall decision not to support a bylaw change that would allow fee simple lots in an AAN. She and Ernie also noted individual Board members positions. Overall they understood that the Board did not feel comfortable with supporting a bylaw based on one applicants request. Karen stated that RidgeWood would still have their public hearing in January.

Lower Village Traffic Planning

Karen stated that she contacted John Morgan of Coler and Colantonio and asked if he could provide more information on Concept 1, the preferred plan, showing the Rt 177 entrance at a different angel. He told her that he could look at the areas of impact for the Presti property and the potential of doing a landswap—depending on the geometry of the roundabout.

Paving at Villages of Stow and Sylvan Drive

Karen reported that Sue Carter, the Planning Board's consulting engineer, was not happy about the paving job at Sylvan Drive. She stated that the pavers continued to pave the road in the dark, without proper lighting. Sue told the pavers that she was not going to stay because she did not want to imply that she was inspecting the roads. She went back the following morning to inspect and is having them mill down the paving job because it was not done well. She stated that she would make sure it was done correctly.

Rich Presti

Karen stated that Rich Presti stopped by the office and reported that he is in the process of evicting the tenant whose trucks are parked in the right-of-way, he will be going to court on Friday.

495/MetroWest Development Compact Meeting

Karen reported that she and Kristen attended the meeting today in Framingham. Members from MAPC, Regional Planning Agencies and the State reported on the 37 communities' identified development and preservation areas. They displayed how, assuming equal job growth amongst all development areas, growth with this scenario (the individual Town's identified development areas) would not create a cohesive plan for the region. Next they showed a regional approach, using criteria such as available transit, communities that welcome development, infrastructure etc. to identify further development areas that could provide a more cohesive regional plan—scenario 2.

Karen stated that scenario 2, the regionally prioritized development and preservation areas showed that Stow would lose jobs but retain preservation areas. She expressed concern that funding would be available to communities where development areas are identified. Several Planners at the conference expressed this same concern although they understand the importance of regional planning. This plan will ultimately serve as a tool for the State to better understand where they should direct funding for development.

Karen stated that her concern was that Stow lacks economic development right now and that the Town could lose potential funding and the very little businesses and jobs they have. She stated that the state would need to change their policies if they plan to use this study.

Comprehensive Land Use Reform and Partnership Act (CLURPA)

Karen said that she heard back from Senator Jamie Eldridge's office. She was informed that the bill is still under consideration with the Municipalities committee, but they have not yet taken a position. The bill could either be adopted as is, adopted with amendments or dropped completely. They expect a final decision to be made by March. Senator Eldridge hopes the bill will come out of committee favorably. Karen confirmed that the version the Board commented on was the most recent. Karen will ask if another public meeting will be held.

DISCUSSION/ACTION ITEMS

Planning Board Goals

Foster Pedestrian Mobility *Update Rules and Regulations.* – High priority/Short term
Establish Design Guidelines

Lower Village – High priority/Long term

Solar Photovoltaic – High priority/Short term
Signs – High priority/Short term
PCD Bylaw *Byright, Open Space first, Density incentives* – Medium Priority/Long term
Conserve open space quadrants
Diversify Housing Stock *Considering multi-unit* – High Priority/Short term
Modify Commercial, Industrial and Business uses – High priority/Short term
Adopt Scenic Roads Bylaw – Low priority/long term
Economic Development *Lower Village, Mill, Zoning, Tourism* - High priority/Medium term
Mitigate excess of phosphorus – keep as standard operating by encouraging treatment systems
Lower Village Traffic Improvements – High priority/short term
Golf Course/Orchard Zoning – High priority/medium term
Demolition Delay Bylaw/ Historic District/ Story Board – Medium priority/ Long term
CLURPA – High priority/ short term (monitor)
Review Section 3.9 (Non-Conforming Uses) – Medium priority/Medium term
Adult Entertainment Zone – Low priority/ long term
Floodplain Wetlands Overlay District – High priority/ short term

AT&T

Susan Roberts of Anderson and Kreiger, LLP arrived at the meeting.

Susan stated that her client wanted her to attend the Board's meeting to talk about their submission as a minor modification and to get an understanding of the direction the Board is taking. It was their hope that the Board would agree that this is a minor amendment.

Lori stated that the Board gave their feedback to Town Counsel and were waiting to hear back from him, and that based on the Board's feedback and her conversation with Jon she would assume that AT&T would have a sense of where the Board stands. She explained that the item was listed on the Board's agenda in the event that they heard back from Town Counsel, which they had not.

Susan stated that Town Counsel had made a proposal to her but she did not have the chance to contact her client as she just heard about it this afternoon. She stated that she wanted the Board to look at their plans and that she prepared a one page decision for them to vote on at tonight's meeting.

Karen noted that Town Counsel advised her that they should be hesitant to have the Board vote on anything until they talk with Town Counsel again, she also noted that the whole board was not present.

Lori stated that they did not have an intention on voting on the issue until they heard back from Town Counsel.

Susan asked the Board if it would help if she made an in depth presentation to them, and that what AT&T was asking for was rather minimal. She stated that she was not sure if AT&T would agree to Town Counsel's request or not as she did not hear back from them yet, but would hope that the Board would vote on this tonight so they would not have to come back out to meet with them again. She asked if the Board had copies of the application packets.

Karen Kelleher stated that each board member had a copy of the packet. She stated that based on her conversation with Jon Witten, he advised the Board to hold off on talking about the AT&T modification request at tonight's meeting until he heard back from the applicant, Karen noted that Jon also relayed that the Board would not be discussing this at tonight's meeting to Susan.

Susan stated that her client asked her to attend tonight's meeting in hopes to move the request along.

Lori stated that Town Counsel advised them to hold off until they heard back from him and that their 5th member was not present at the meeting and that they were not comfortable talking about it until they heard more from Town Counsel.

Lenny Golder stated that the Board should have more information before making their decision.

Susan asked if Jon had advised them of the sidewalk proposal he suggested.

Ernie Dodd stated that he was aware of it.

Lori stated that there were multiple reasons as to why the Board wanted to hold off on making any final decision at their meeting tonight.

Planning Board Goals continued.....

The Board reviewed their top seven highest short-term priorities:

Rules and Regulations for Sidewalk fees

Solar Bylaw Rules and Regulations

Sign Bylaw

Uses for Commercial, Business and Industrial land

Lower Village Traffic Planning

Monitoring CLURPA

Review Floodplain/Wetlands Overlay District

Stow House of Pizza Draft Letter

The Board reviewed the draft letter to Kostas Asprogiannis and made the following comments:

Ernie Dodd and Steve Quinn stated that Hudson Light and Power should also be responsible for changing their lighting to full cut off and noted that the entire Town has issues with Hudson Light and Power street lights not being full cut off. They questioned the fairness in asking private property owners to comply if the Town was not in compliance.

Steve Quinn stated that Kostas was renting the lights and asked if it would be more productive to request Hudson Light and Power to replace the fixtures.

Lori stated that changing this light was part of his special permit and that this is their chance to make him comply to the conditions.

Lenny stated that the letter is too long and detailed.

It was noted that the updated letter was simplified.

Steve noted that Kostas has a special permit and he partially acted on it but had to stop.

Ernie said he has not been able to finish his special permit.

Board members agreed to keep this section of the letter to Kostas, but to also contact Hudson Light and Power about the issue.

Ernie noted that he is not finished with his special permit and probably does not want to put any money into it until he gets water and can expand. Steve agreed that this particular site was a gray area concerning special permit compliance.

Lori stated they should be able to ask him to uphold the conditions that don't interfere with the rest of the work he cannot complete.

Board members agreed to take out the paragraph in which they asked for the internally illuminated signs to be shut off. They felt that at this time the bylaw is not clear in addressing signs that are inside of buildings but shine out.

Lenny Golder stated that he had concerns about making sure the ATM machine was lit and that the internally illuminated sign on the front of Federal Savings Bank helps light up the ATM machine.

It was noted that the internally illuminated sign was on the front of the building and the ATM was on the side of the building.

Other board members did not agree that this sign provided any light to ATM users.

Lenny was concerned that by asking for all the sign lights to be shut off at the close of business would also require that the light to the ATM machine be shut off.

Other board member disagreed and felt that the ATM itself was not a light.

Ernie Dodd read the bylaw definition of a sign, which states that you must be able to see it from the street and that it is used for advertising purposes. Board members did not agree with Lenny's understanding of the ATM machine as a sign but agreed to change the draft letter to specifically call out the lights they were asking to be shut off.

The Board requested that the issues in the letter be addressed by December 15th, allowing Kostas 30 days to make contact Hudson Light and Power.

ANR 270 Hudson Road

Karen reported that Mr. Cummings wants to withdraw his application. He did not see the plan from his engineer until that night and he needed to have a greater buffer from one of his buildings.

Board members agreed they did not need to rescind their vote as they made their vote on condition that they receive payment and the applicant did not submit payment.

Karen will put a note in the file.

The meeting was adjourned at 9:12PM.

Respectfully Submitted,
Kristen Domurad
Administrative Assistant